

REMARKS

This is a full and timely response to the non-final Office Action mailed December 14, 2005. Reconsideration and allowance of the application and all presently pending claims are respectfully requested.

Upon entry of this Response, claims 1-39 are pending in this application. Claim 1 has been amended. Claims 5, 7-18, 22, 25, and 27-39 have been withdrawn. The prior art made of record has been considered but is not believed to affect the patentability of the presently pending claims. Applicants believe that no new matter has been added and that a new search is not required to examine the amended claims and the newly added claims.

Applicants appreciate that the Examiner examined claims 2, 3, and 24 in their present state. Applicants did not amend claims 2, 3, and 24 because Applicants hope that the additional species will be examined in the near future after the present species are examined.

CLAIMS**Claim 1**

Claim 1 is rejected under 35 U.S.C. §102(b) as purportedly being anticipated by De Dobbelaere *et al.* (DD) (U.S. 6,097,871). Claim 1, as amended, reads as follows:

1. A waveguide system, comprising:
 - a first substrate having an off-surface and curved optical waveguide disposed thereon, wherein the off-surface and curved optical waveguide includes a first portion and a second portion, wherein the first portion is substantially parallel to the first substrate, ***wherein the second portion extends curving away from the first substrate whereby the second end of the second portion is directed in a direction up and away from the first substrate***, wherein the first portion has a first end, a second end, a length, a width, and a thickness, wherein the second portion has a first end, a second end, a length, a width and a thickness, wherein the second end of the first portion is substantially adjacent and in-line with the first end of the second portion, wherein the first portion comprises an optically conductive first material, and wherein the first portion comprises an optically conductive second material.

(Emphasis added). Applicants traverse the rejection and other assertions in the Office Action, and submit that the rejection of claim 1 under 35 U.S.C. §102 should be withdrawn because DD does not disclose, teach, or suggest the highlighted portions in amended claim 1 above. In particular, DD does not disclose, teach, or suggest that “the second end of the

second portion is directed in a direction up and away from the first substrate.” In contrast, figure 10 of DD illustrates that structure 101 is directed in a direction parallel to structure 109 as opposed to up and away from structure 109. Thus, the rejection to claim 1 should be withdrawn.

In addition, claims 2-4, 6, 19-21, 23-24, and 26 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 1. *See, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

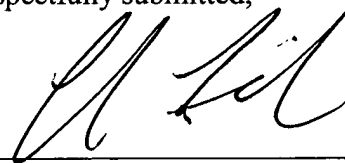
CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all rejections have been traversed, rendered moot, and/or accommodated. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

In addition, any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephone conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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